

## **REMARKS**

### **FORMAL MATTERS:**

Claims 1-10, 12-14, 16-23, 26-29, and 41-47 are now pending in this application.

Claims 11, 15, 24, 25, 30-40 and 48-55 have been canceled without prejudice to the filing of a continuation application directed to the invention encompassed by these claims or any other invention disclosed and described within the present application.

Claim 1 has been amended to more particularly point out and distinctly claim the invention. The amendments to claim 1 are fully supported within original claims 21, 24 and 25 as well as within the specification.

Claim 2 has been amended to more particularly point out and distinctly claim the invention and is supported within original claim 21.

Claim 5 has been amended to conform with the amendments made to claim 1.

Claim 14 has been amended to encompass limitations contained within original and now canceled claim 15.

Claim 20 has been amended to encompass limitations contained within original and now canceled claims 24 and 25.

Claim 22 has been amended in order to allow the language to correspond to amended independent claim 21.

No new matter has been added.

### **OBJECTIONS TO THE SPECIFICATION:**

The specification was objected to as not referring to the prior applications. Applicants have amended the specification to refer to the parent application.

### **REJECTIONS UNDER 35 U.S.C. §112**

Claim 23 was rejected under 35 U.S.C. §112, second paragraph as being indefinite. The Examiner's objection appears correct, however, the rejection has now been rendered moot in view of the amendments made to independent claim 20 which refer to the plurality of pores.

**REJECTIONS UNDER 35 U.S.C. §102**

Claims were rejected under 35 U.S.C. §102 as anticipated by Inagawa et al. Although the rejection is traversed as applied and as it might be applied to the presently pending claims it is applicants position that the rejection has now been overcome by amendments made to the claims.

The Office Action indicates that claims 15 and 24-25 are objected to but would be allowable if rewritten in independent form. The limitations contained within claims 15, 24 and 25 have been included into independent claim 1. Accordingly, claim 1 as well as the dependent claims 2-10 and 12 are believed to be allowable.

Applicants' further point out that claim 1 now indicates that the sheet of material is comprised of a polymer film as claimed within original and now canceled claim 11. Inagawa et al. does not disclose the polymer film of amended claim 1. Further, the Examiner has recognized that the simultaneous forming of a plurality of pores is not taught by Inagawa et al. Accordingly, the rejection is believed to have been overcome.

Independent claim 14 has been amended to incorporate the limitations contained within dependent claim 15 which has now been canceled. Accordingly, independent claim 14 as well as the dependent claims 16-19 are believed to be in allowable form.

Independent claim 20 has been amended to incorporate limitations contained within original and now canceled claims 24 and 25. Accordingly, independent claim 20 as well as dependent claims 21-23 and 26-29 are believed to be allowable.

**REJECTIONS UNDER 35 U.S.C. §103**

Claims were rejected as unpatentable over Inagawa et al. over 35 U.S.C. §103. Those rejections are traversed as applied and as they might be applied to the presently pending claims.

Claim 1 now includes at least three feature recognized by the Examiner as being not present within the prior art. Specifically, claim 1 is directed to a method wherein a material is a polymer film. Secondly, the claim is directed to a method whereby a plurality of pores are simultaneously formed within the sheet. Thirdly, the analyzing is carried out so as to meet criteria of both pore size and pore shape. Such is not taught or rendered obvious within Inagawa et al. which only indicates if a hole has been made without regard to the size or shape of the hole (see Inagawa et al. at col. 7, lines 33-38). Accordingly, claim 1 as well as the dependent claims are believed to be allowable.

Claim 14 has been amended to incorporate the limitations contained within previously pending now canceled claim 15 relating to the simultaneous formation of a plurality of pores. Within the Office Action the Examiner recognized the patentability of this feature. Accordingly, the rejection is believed to have been overcome.

Claim 20 has been amended to incorporate limitations contained within previously pending now canceled claims 24 and 25. The Examiner recognized the patentability of the features relating to simultaneously forming a plurality of pores and detecting light passing through a plurality of pores. Accordingly, claim 20 as well as the claims dependent thereon are believed to be patentable.

#### **ALLOWED CLAIMS**

Claims 41-47 were indicated as being allowed.

#### **CONCLUSION**

The specification was amended to overcome the objections. Independent claim 20 was amended to render moot the objection to claim 23. Without acquiescing to the art based rejections applicants have incorporated into each of the independent claims the features which the Examiner deemed to render the claims patentable. In view of such the objections are believed to have been overcome. Accordingly, an indication that the application is allowed is respectfully requested.

In the event the Examiner finds that minor issues remain unresolved the Examiner is respectfully requested to contact the undersigned attorney at the indicated telephone number to arrange for an interview the expedite disposition of the application.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number AERX-071CIP.

Respectfully submitted,  
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Date:

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